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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/862,636-Conf. #1483	
	Filing Date	May 22, 2001	
	First Named Inventor	Ervin Goldfain	
	Art Unit	2873	
	Examiner Name	B. N. Thomas	
Total Number of Pages in This Submission	3	Attorney Docket Number	281_329.02

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input checked="" type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Notice of Continuation of Application Filing (2 pgs), Certificate of Express Mailing, Return Mailroom Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MARJAMA & BILINSKI LLP		
Signature			
Printed name	George S. Blasiak		
Date	May 18, 2007	Reg. No.	37,283

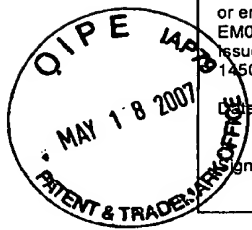
Transmittal

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, No. EM047972750US, on the date shown below in an envelope addressed to: MS Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: May 18, 2007

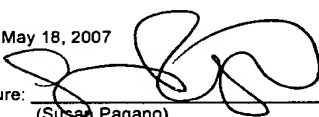
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(Susan Pagano)



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Dated: May 18, 2007

Signature: 
(Susan Pagano)

Docket No.: 281-329.02
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ervin Goldfain, et al.

Application No.: 09/862,636

Confirmation No.: 1483

Filed: May 22, 2001

Art Unit: 2873

For: Old Title – Eye Viewing Device Comprising
Eyepiece And Video Capture Optics
New Title – Eye Viewing Device Comprising
Video Capture Optics

Examiner: Brandi N. Thomas

NOTICE OF CONTINUATION APPLICATION FILING

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
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Sir:

INTRODUCTORY COMMENTS

Remarks/Arguments begin on page 2 of this paper.



REMARKS

A continuing application (Attorney Docket No. 281-329.02 Con 2) was filed May 18, 2007. Continuing application (Attorney Docket No. 281-329.02 Con 2) is a continuation of U. S. Patent Application No. 09/862,636.

With the present application being set for publication and continuing application (Attorney Docket No. 281-329.02 Con 2) awaiting an initial examination, it is believe that continuing application (Attorney Docket No. 281-329.02 Con 2) could not qualify as a reference against the present application. However, if the issuance of the present application were to become delayed such that the present application issues after continuing application (Attorney Docket No. 281-329.02 Con 2), then continuing application (Attorney Docket No. 281-329.02 Con 2) could qualify as a reference for assertion in an obviousness type double patenting rejection.

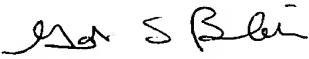
Applicants respectfully request the Patent Office to advise the applicants if the issuance of the present application is expected to become delayed such that it could issue after the issuance of continuing application (Attorney Docket No. 281-329.02 Con 2).

If the Examiner believes that contact with applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call applicants' representative at the phone number listed below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to deposit Account No. 50-0289.

Dated: May 18, 2007

Respectfully submitted,

By 

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GSB/bs



Application No. (if known): 09/862,636

Attorney Docket No.: 281-329.02

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